



DELTA STEWARDSHIP COUNCIL

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September 19, 2016

David Tilley, Principal Planner
City of West Sacramento, Community Development Department
1110 West Capitol Avenue, 2nd Floor
West Sacramento, CA 95691
DavidT@cityofwestsacramento.org

RE: Preparation of a Draft Environmental Impact Report for the City of West Sacramento General Plan Update, SCH# 2012122006

Dear Mr. Tilley:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of West Sacramento (City) General Plan Update. State law specifically directs the Delta Stewardship Council (Council) to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212).

The Council has specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta, known as "covered actions." To this end, the Delta Plan contains a set of regulatory policies with which state and local agencies are required to show consistency. The Delta Reform Act established a certification process for compliance with the Delta Plan (Water Code sec 85022). Council staff requests that the Delta Plan, including its policies and recommendations, be acknowledged in the Final EIR's description of the regulatory setting for each section to which it applies.

More information on "covered actions" and the certification process can be found on the Council website, <http://deltacouncil.ca.gov/covered-actions>. Council staff is happy to provide assistance to the City in determining whether the proposed General Plan Update meets the statutory definition of a "covered action" and, as such, would require a certification of consistency. We encourage you to consult with Council staff to better understand the covered action process and how this project may or may not be consistent with the Delta Plan.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Sacramento Area Council of Governments MTP/SCS

The Delta Reform Act establishes specific criteria and categories for excluding actions from the Council's regulatory authority. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable community's strategy (SCS). Such proposed actions are *not* "covered actions" regulated by the Council (Water Code Section 85057.5(b)(4)).

The Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) in 2016 contains a land use forecast that reflects the development activities described in the general plans and specific plans adopted by the local jurisdictions. The City may request an evaluation of the project's consistency with SACOG's 2016 MTP/SCS. If SACOG determines that it is consistent, the proposed project would be exempt from the Council's covered action process. Currently, with respect to land use, the 2016 MTP/SCS is consistent with the Delta Plan.

However, as discussed below, the General Plan Update's proposed changes to the designation of certain areas in the Southport community of the City from agriculture and open space to commercial, residential, or industrial land uses are inconsistent with the Delta Plan. And because those areas are not identified for development in the MTP/SCS 2036¹, the General Plan Update also appears to be inconsistent with the MTP/SCS land use forecast. For the General Plan Update to be exempted by SACOG from the Council's covered action process, it must be consistent with the MTP/SCS. Further, any residential, commercial, or industrial development in those areas would be inconsistent with the Delta Plan and subject to the covered action process.

Comments on the General Plan Update

Council staff supports the General Plan Update's objectives, including integrating new state laws, such as Senate Bill (SB) 5, which mandates 200-year flood protection in urbanized areas. However, we note that the update includes proposed changes to the designation of certain areas from agriculture and open space to commercial, residential or industrial land uses, compared to the existing General Plan adopted in 2000. This creates an inconsistency with Delta Plan Policy DP P1, which is described in further detail below. We offer the following guidance for evaluating the General Plan Update's consistency with the Delta Plan.

¹ The Southport areas in question are discussed in the West Sacramento section of the MTP/SCS Land Use Forecast (Appendix E-3, p. 149). The MTP/SCS Land Use Forecast states, "The two remaining villages known as the Southeast Village and a portion of the Southwest Village are not identified for development by 2036 in the MTP/SCS." Furthermore, these two areas are not listed among West Sacramento's "Developing Communities," which are identified in the Draft Preferred Scenario (Appendix E-3, p. 164).

- **Delta Plan Policy G P1 (23 CCR section 5002), Detailed Findings to Establish Consistency with the Delta Plan.**

Delta Plan Policy G P1 (a) states, “This policy specifies what must be addressed in certification of consistency filed by a State or local agency with regard to a covered action. This policy only applies after a ‘proposed action’ has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies contained in Article 3 [of Title 23].” Delta Plan Policy G P1 (b)(2) states, “Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan’s Program EIR (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.” These mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program (MMRP)

(http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf).

- **Delta Plan Policy DP P1, Locate New Urban Development Wisely.**

The urban boundaries identified in the draft general plan should be consistent with the Delta Plan for the areas in which the Council has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted only if it is consistent with the land use designated in the City of West Sacramento’s general plan as of the date of the Delta Plan’s adoption (May 16, 2013), as reflected in Appendix 7 of the Delta Plan regulations

(<http://deltacouncil.ca.gov/docs/map-fig-7-8-city-west-sacramento>).

Based on our review of General Plan 2035 Draft Land Use Map, it appears that the General Plan Update proposes to change the designation of certain areas located in the Southport community of the City from agriculture and open space to commercial, residential or industrial land uses, compared to the existing General Plan adopted in 2000. This creates an inconsistency between the General Plan Update and Delta Plan Policy DP P1.

We appreciate your inclusion of a proposed general plan goal related to agricultural sustainability, which supports Delta Plan Policy DP P1. This policy commits the City to “[p]romote the economic viability of agriculture in West Sacramento and to discourage premature development of agricultural land with non-agricultural uses, while providing for urban needs.”

However, given the proposed re-designation of agricultural lands for development, how the General Plan Update's goal of promoting agricultural viability and discouraging premature development will be achieved is not made clear in the General Plan Update.

- **Delta Plan Recommendation WR R1, Implement Water Efficiency and Water Management Planning Laws.**

Delta Plan Recommendation WR R1 encourages all water suppliers to "...fully implement applicable water efficiency and water management laws, including urban water management plans...[and] the 20 percent reduction in statewide urban per capita water usage by 2020...." Council staff appreciates the inclusion of the following related general plan goals:

- "Maintain an adequate level of service in the City's water system to meet the needs of existing and future development while improving water system efficiency."
- "Preserve and protect West Sacramento's water resources and supply."
- "Increase efficiency and conservation of resources in City facilities and operations to serve as a leader in sustainability."

However, to support this Delta Plan recommendation, the City also should consider including a commitment to comply with applicable water efficiency and water management laws.

- **Delta Plan Recommendation DP R16, Encourage Recreation on Public Lands.**

Delta Plan Recommendation DP R16 states, "Public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education." Proposed general plan goals that would support this recommendation include the following:

- "Provide and encourage, to the fullest extent possible, public access to the Sacramento River and Sacramento Deep Water Ship Channel for recreation purposes."
- "Provide a system of parks and open space corridors that connect destination points within and beyond the City of West Sacramento."

To further support this Delta Plan recommendation, please also consider creating recreational opportunities and improving access along the eastern levee of the Yolo Bypass. With the continued emphasis on the bypass's management of fish and wildlife habitat, as well as flood control and agriculture, opportunities for nature-based outdoor recreation along this levee should be provided to the City's residents.

- **Delta Plan Recommendation WQ R1, Protect Beneficial Uses.**

One of the proposed general plan goals is intended to protect water quality, which supports Delta Plan Recommendation WQ R1. This goal states, “Preserve and protect water quality in the city’s natural water bodies and drainage systems and areas groundwater basin.”

- **Delta Plan Recommendation RR R1, Implement Emergency Preparedness and Response.**

Two proposed general plan goals would contribute to achieving the Delta Plan’s goal of reducing flood risk in the Delta. These include: “Prevent loss of life, injury, and property damage due to flooding,” and “Ensure that City emergency response procedures are adequate in the event of natural or human-made disasters.” The policies and implementation programs related to this goal should consider implementing the recommendations of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, as outlined in Delta Plan Recommendation RR R1.

Comments on the DEIR

Based our review of the DEIR, we recommend the following matters be discussed or included in the Final EIR:

- **Inconsistencies with the Delta Plan.**

The Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by section 15125, subdivision (d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines’ Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.

- **Land Use and Planning.**

As discussed, there is an inconsistency between the General Plan Update and Delta Plan Policy DP P1. The DEIR does not acknowledge this inconsistency and concludes a “less than significant impact” under Impact LU-2. Because the Delta Plan is an applicable land use plan with policies intended to avoid or mitigate environmental effects of projects subject to CEQA, please cite Delta Plan Policy DP P1 in the Final EIR, provide an analysis of the inconsistency with the policy due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or reduced. Please consider including in the Final EIR the applicable Land Use and Planning mitigation measures of the Delta Plan MMRP (see Mitigation Measures 6-1 and 6-2).

- **Flood Risk.**

For Impact WQ-7, please consider including in the Final EIR the applicable Delta Flood Risk mitigation measures of the MMRP (see Mitigation Measures 5-1 through 5-5).

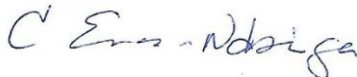
- **Biological and Agricultural Resources.**

For Impact AG-1, please consider including in the Final EIR Agriculture and Forestry Resources Mitigation Measures 7-1 and 7-2 of the MMRP to reduce this impact to less than significant. For Impact BIO-6, BIO-7, BIO-9, and BIO-12, please consider including in the Final EIR the applicable Biological Resources mitigation measures of the MMRP to further reduce significant impacts to less than significant (see Mitigation Measures 4-1 through 4-5).

Conclusion

Council staff looks forward to working with you to ensure that the City of West Sacramento General Plan Update moves forward as quickly as possible while addressing flood risks and protecting biological and agricultural resources in the Delta. I encourage you to contact Jeff Juarez at jeff.juarez@deltacouncil.ca.gov or (916) 445-5528 with your questions, comments, or concerns.

Sincerely,



Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council